

AMENDED IN ASSEMBLY MARCH 26, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 136**

**Introduced by Assembly Member Kehoe**  
**(Coauthor: Assembly Member Vargas)**

January 16, 2003

---

---

An act to add Section 4850.2 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 136, as amended, Kehoe. Workers' compensation: disability: leave of absence.

Existing law provides that certain peace officers, firefighters, and other specified local public employees are entitled to a leave of absence without loss of salary while disabled by injury or illness arising out of and in the course of employment, for the period of disability, but not exceeding one year. The leave of absence is in lieu of temporary disability payments or maintenance allowance payments otherwise payable under the workers' compensation system.

This bill would provide that *police officers, sheriffs, or* firefighters are entitled to a leave of absence without loss of salary while disabled by injury or illness arising out of and in the course of employment, for the period of disability, but not exceeding 2 years.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4850.2 is added to the Labor Code, to  
2 read:  
3 4850.2. (a) Notwithstanding Section 4850, whenever any  
4 *police officer, sheriff, or* firefighter is disabled, whether  
5 temporarily or permanently, by injury or illness arising out of and  
6 in the course of his or her duties, he or she shall become entitled,  
7 regardless of his or her period of service, to a leave of absence  
8 while so disabled without loss of salary in lieu of temporary  
9 disability payments or maintenance allowance payments under  
10 Section 139.5, if any, that would be payable under this chapter, for  
11 the period of the disability, but not exceeding two years, or until  
12 such earlier date as he or she is retired on permanent disability  
13 pension, and is actually receiving disability pension payments, or  
14 advanced disability pension payments pursuant to Section 4850.3.  
15 (b) This section applies only to ~~firefighters~~ *persons* who meet  
16 the requirements of subdivision (a) and does not apply to any  
17 employee whose principal duties are those of a telephone operator,  
18 clerk, stenographer, machinist, mechanic, or otherwise, and whose  
19 functions do not clearly fall within the scope of active *law*  
20 *enforcement service or* firefighting and fire prevention service.

